

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

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Soverain Software LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 6:07-cv-5 11 (LED)
	§	
CDW Corporation, Newegg Inc.,	§	
Redcats USA, Inc., Systemax Inc.,	§	
Zappos.com, Inc., Redcats USA, L.P.,	§	
The Sportsman's Guide, Inc., and	§	
TigerDirect, Inc.	§	
	§	
Defendants.	§	

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**AGREED MOTION FOR EXTENSION OF TIME  
FOR DEFENDANTS TO COMPLY WITH  
PATENT RULES 4-2 AND 4-3**

Defendants CDW Corporation, Newegg, Inc., Systemax, Inc., and Tigerdirect, Inc. (collectively, "Defendants") hereby move the Court for an extension of time through February 20, 2009 to comply with patent rule ("P.R.") 4-2 to exchange with Plaintiff Soverain Software LLC preliminary claim constructions and extrinsic evidence and to exchange privilege logs. Defendants hereby further move the Court for an extension of time through March 16, 2009 to comply with P.R. 4-3 to file of joint claim construction and prehearing statement.

1. Discovery on claim construction issues does not close in this case until April 9, 2009. *Markman* hearing is presently scheduled for May 29, 2009. The requested extension will not affect these dates set by the Court.

2. Under the current Docket Control Order, Defendants and Plaintiff had through February 6, 2009 (1) to comply with patent rule ("P.R.") 4-2 to exchange with Plaintiff preliminary claim constructions and extrinsic evidence and (2) to exchange privilege logs or inform the Court that there are no disputes as to claims of privileged documents.

3. In order to facilitate ongoing discussions between Defendants and Plaintiff, the parties have agreed to extend the date by which Defendants and Plaintiff are (1) to comply with patent rule ("P.R.") 4-2 to exchange with Plaintiff preliminary claim constructions and extrinsic evidence and (2) to exchange privilege logs through February 20, 2009.

4. Additionally, consistent with the current schedule, Defendants hereby further move the Court for an extension of time through March 16, 2009 to comply with P.R. 4-3 to file of joint claim construction and prehearing statement.

5. This Motion is submitted in good faith and not for the purpose of delay, and, as noted, the Defendants do not expect that the requested extension of time shall in any way effect any other dates in the Court's current Docket Control Order or the present trial date in this matter.

6. A separate Proposed Order is submitted herewith.

WHEREFORE, for the foregoing reasons, Defendants respectfully request that the Court grant Defendants an extension of time through February 20, 2009 to (1) to comply with P.R. 4-2 to exchange with Plaintiff preliminary claim constructions and extrinsic evidence and to exchange privilege logs or inform the Court that there are no disputes as to claims of privileged

documents; and (2) an extension of time through March 16, 2009 to comply with P.R. 4-3 to file of joint claim construction and prehearing statement.

Respectfully submitted,

**GREENBERG TRAURIG, LLP**



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**ATTORNEYS FOR DEFENDANTS  
SYSTEMAX INC., AND TIGERDIRECT, INC.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who have deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on February 6, 2009. Any other counsel of record will be served by facsimile transmission and first class mail.

A handwritten signature in cursive script that reads "Mary-Olga Lovett". The signature is written in dark ink and is positioned above a horizontal line.

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Mary-Olga Lovett

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